IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 12160 of 2004

Between:

Battu Mallareddy, S/o. Chandra Reddy, R/o.H.No. 18-128, Kamalanagar, Dilsukhnagar, Hyderabad.

... PETITIONER

AND

1 The Chairman, District Legal Services Authority, Nalgonda District.
2 The Depot Manager, A.P.S.R.T.C. Miryalaguda, Nalgonda District.
3 Smt. B. Laxmamma, W/o. Malla reddy,
R/o. Gandhinagar, Devarakonda, Nalgonda District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, one in the nature of writ of Mandamus, i) declaring the action of the 1st respondent in issuing the impugned order vice Dis.No. 223/04, dt. 30-6-2004, directing the 2nd respondent to stop the payment of retiral benefits to the petitioner as arbitrary, illegal, unreasonable, without jurisdiction and violative of principles of natural justice and the same may be set a side. ii) Costs be awarded and pass

Counsel for the Petitioner: MR.B.MAHENDER REDDY

Counsel for the Respondents 1 & 2: MR.K.HARINATH (SC FOR APSRTC)

The Court made the following Order:

ORDER:

Questioning the order passed by the District Legal Services Authority vide Disp. No.223 of 2004 dated 30.06.2004, the present writ petition is filed.

The Legal Services Authority issued a notice to the APSRTC, Nalgonda Depot requiring the petitioner to appear before the District Legal Services Authority with regard to the application filed by Battu Laxmamma. Questioning the same the present writ petition is filed.

The learned counsel for the petitioner contended that the Legal Services Authority has no jurisdiction to call third parties. They can call the parties to the dispute for conciliation and settlement. The retirement benefits are lying with the second respondent corporation, which has nothing to do with the dispute between the petitioner and third respondent. So issuance of such a notice is totally in violation of the provisions of the Legal Services Authorities Act.

The Legal Services Authority on application by the party can call for the opposite party for the purpose of conciliation and settlement between the parties. Admittedly, the second respondent is not a party to any dispute but is only having certain amounts lying with it towards the pensionary benefit of the petitioner. So, the order is total non-application of mind and therefore it has to be quashed.

Accordingly, the order of the Legal Services Authority is quashed. The writ petition is allowed at the stage of admission. No costs.

_____

(K.C. BHANU, J)

July 15, 2004

Dsk/Ars

TO

1 The Chairman, District Legal Services Authority, Nalgonda District.
2 The Depot Manager, A.P.S.R.T.C. Miryalaguda, Nalgonda District.
3 Two C.D. Copies.